

APPENDIX 10 THE SCHEME OF DELEGATION FOR LICENSING MATTERS

The determination of all matters (including fee setting, applications renewals and reviews of licences) within the terms of reference of the appropriate Licensing Committees is delegated to Officers with the following exceptions:

- Approving any policy including enforcement policy, excluding policies required to be approved by Council of the Gambling Act 2005 and the Licensing Act 2003.
- Any matters (including Licensing Applications) which the Licensing Committees have reserved to itself.
- Where the Chair of the Committee (or in his or her absence the Chair elected by the Committee) considers that a matter should be determined by the Committee or the Strategic Director of the Neighbourhoods, Planning and Public Protection Service (or his nominated representative) considers the application should be considered by the full Committee.
- Where a matter is referred to a Licensing Committee by the Chief Executive or Monitoring Officer following a decision of a Licensing Panel under paragraph 7.10.3 of the Constitution.
- Such other matters as may from time to time under statute or practice fall to be considered by the Council in a quasi-judicial manner, other than employment appeals or grievances in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under the Council's Constitution.

MATTERS TO BE DETERMINED BY THE STATUTORY LICENSING PANELS

To discharge the functions of the Statutory Licensing Committee as required by the Licensing Act 2003 and the Gambling Act 2005 to authorise, approve or determine any enforcement matters under the Acts. This includes but is not limited to:

Licensing Act 2003

- Application for a new or renewal of a personal alcohol licence with unspent convictions and there is a Police objection
- Application for a premises licence/club premises certificate if a relevant representation is made and not withdrawn
- Application for a provisional statement if a relevant representation is made and not withdrawn
- Application to vary premises licence/club premises certificate if a relevant representation is made and not withdrawn (excludes minor variations under the Licensing Act 2003)

- Application to vary a designated premises supervisor if a Police objection is made
- Application for transfer of a premises licence (Licensing Act 2003) where there is a Police objection
- Application for interim authorities if there is a Police objection.
- Any application to review premises licence/club premises certificate
- Determination of a police objection to any temporary event notice

Gambling Act 2005

- Application for a premises licence if a relevant representation is made and not withdrawn
- Application for a provisional statement if a relevant representation is made and not withdrawn
- Application to vary premises licence if a relevant representation is made and not withdrawn
- Any application to review premises licence
- Application for the transfer of a premises licence (Gambling Act 2005) where there is an objection from a responsible authority or the Gambling Commission
- Application for a club gaming/club machine permit where representations have been made and not withdrawn
- Cancellation of a Club gaming/club machine permit

MATTERS TO BE CONSIDERED BY THE GENERAL LICENSING PANELS

To Discharge on behalf of the Council all matters relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits and without prejudice to the generally of the foregoing to discharge these functions in respect of:

- Private Hire Operators
- Private Hire and Hackney Carriage Drivers
- Private Hire Vehicles
- Hackney Carriage Vehicles including setting tariffs
- Hypnotism
- Lottery Registrations
- Street Collections
- House to House Collections
- Street Trading
- Sex Shops and Sexual Entertainment Venues
- Burials in Public Cemeteries

- Reservoirs
- Dangerous Wild Animals
- Animal Boarding Establishments
- Guard Dogs
- Acupuncture/Cosmetic/Piercing/Electrolysis/Tattooing/Semi Permanent Skin Colouring
- Performing Animals
- Pet Shops
- Zoos
- Camping Sites
- Caravan Sites
- Pleasure Boats
- Filling Materials
- Riding Establishments
- Charities for Disabled Persons and War Charities
- Explosives
- Fireworks
- Petroleum
- Marriage and Civil Partnerships
- Those matters that are set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 in so far as they are governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under the Council's Constitution.

MATTERS TO BE DETERMINED BY EITHER LICENSING PANELS

- Applications or renewals or reviews of licences, permits, consents and registrations where there are representations or objections from third party consultees or relevant unspent convictions.
- Any decision to object when the Council is a consultee and not the relevant authority considering the application.
- Where a Councillor makes a written request for the application to be determined by a Panel giving valid licensing reasons; or the Strategic Director of the Neighbourhoods, Planning and Public Protection Service (or his nominated representative) considers any matter should be considered by a Panel.
- Where the proposal involves the County Borough Council either as applicant or land owner and the scheme is not of a minor nature and/or is subject to objections which are of material weight in the assessment of the application.
- Where the applicant is a Councillor of Torfaen County Borough Council, a member of staff within the Planning and Public Protection Service, a member of the Council's Management Team, or service head or any member of staff within the Authority who could be seen as having a direct input to and therefore influence an application decision.

- Where approval of the application would represent a significant departure from the Licensing Policy of the Council or other published policy.
- Where any licensing consent or registration function is delegated to officers, the Licensing Committee shall hear appeals against officer decisions, unless there is a right of appeal direct to the courts.